

REMARKS

Claims 1-8 and 10 are all the claims pending in the application. The Examiner rejects all of the pending claims under 35 U.S.C. § 102(e) as being anticipated by Kaplan.

Applicant thanks the Examiner for conducting a telephonic interview with Applicant's representative on December 10, 2003. The following arguments distinguishing Applicant's claimed invention from the Kaplan references were discussed during the interview, and constitute Applicant's reply to the final Office Action dated September 11, 2003, as well as the Summary of Substance of the Interview.

As explained in Applicant's Amendment filed June 19, 2003, and emphasized during the interview, Applicant's claimed invention provides a telecommunication system, a switch for use in telecommunication, and a method for use in telecommunication, where a user of a first terminal may call a user of a second terminal, and, if the user of the second terminal is unavailable, a switch establishes a connection between the first terminal and a memory so that the user of the first terminal may leave a message for the second terminal, "said message being associated with a specific signal generated by said first terminal" (see claims 1, 5 and 10). The user of the second terminal may then automatically receive the stored message associated with the specific signal by sending this specific signal.

As further explained during the interview, Kaplan does not disclose or suggest the unique combinations of features recited in Applicant's independent claims 1, 5 and 10. In particular, Kaplan discloses nothing more than a telephone answering system where a caller may leave for a

message recipient a call-back telephone number in addition to the message itself. That is, Kaplan provides a telephone answering system which “enhances the operation of the telephone answering system by automatically dialing back a number as specified by the caller who has left a message” (Id. col. 2, line 66 through col. 3, line 1). Nowhere does Kaplan disclose or suggest that its message recipient can automatically receive the message left by the caller by sending to a Private Branch Exchange (BPX) 212 (which the Examiner alleges to correspond to a “switch” as recited in Applicant’s claims 1, 5 and 10) the telephone number (which the Examiner alleges to correspond to “a signal” associated with the message, as recite in claims 1, 5 and 10) left by the caller with the message. Instead, in Kaplan, the message recipient simply retrieves the message in a conventional manner, and, if the caller did leave a telephone number with the message, the message recipient is given an option to have this number automatically dialed (see *Id.*, col. 4, lines 1-13).

Thus, Applicant’s independent claims 1, 5 and 10, as well as the dependent claims 2-4 and 6-8 (which incorporate all the novel and unobvious features of their respective base claims 1 and 5) are not anticipated by (i.e., are not readable on) Kaplan at least for these reasons.

In view of the above, and as discussed during the interview, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned attorney at the telephone number listed below.

Response Under 37 C.F.R. § 1.116
Appln. No.: 09/840,045

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



Stan Torgovitsky
Registration No. 43,958

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE

23373

CUSTOMER NUMBER

Date: December 11, 2003